

Submitted October 27, 2010

Approved As of

Date October 27, 2010

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION  
MEETING NO. 18-10  
Wednesday, September 29, 2010**

The City of Rockville Planning Commission convened in regular session in the Mayor and Council Chambers at 7:00 p.m., Wednesday, September 29, 2010.

**PRESENT**  
**David Hill, Chair**  
**Jerry Callistein**  
**Kate Ostell**  
**Tracy Pakulniewicz**  
**John Tyner**

**Absent:** Dion Trahan

**Present:** Bridget Newton, Council Liaison  
Susan Swift, Director of CPDS  
Jim Wasilak, Chief of Planning  
Bobby Ray, Principal Planner  
Cindy Walters, Assistant City Attorney  
Deane Mellander, Zoning Administrator  
David Levy, Chief of Long-Range Planning  
Ann Wallas, Planner III  
Mayra Bayonet, Planner III  
Jeremy Hurlbutt, Planner II  
Rebecca Torma, Transportation Planner  
Tyler Tansing, Commission Secretary

**RECOMMENDATION TO MAYOR AND COUNCIL**

**Zoning Text Amendment TXT2010-00228, William A. Pumphrey - for an amendment to the text of the Zoning Ordinance to allow for the expansion of parking in connection with a nonconforming use.**

Commissioner Hill stated that the Historic District Commission (HDC) has requested that the

Planning Commission defer action on this application this evening. Mr. Wasilak explained the situation.

The Commission discussed whether it should continue with the text amendment as planned or to schedule a future meeting after the HDC's meeting to discuss the text amendment. The Planning Commission decided to continue with hearing the text amendment this evening.

Mr. Mellander presented the staff report.

Commissioner Hill noted for the record that the Commission has received written correspondence from Thomas Weko, 14 Williams Street, on September 27, 2010.

Soo Lee-Cho, Attorney with Miller, Miller & Canby, presented the applicant's request.

William Pumphrey, applicant, testified that they are proposing to expand the parking lot to prevent people from parking on Williams Street as well as the surrounding streets, especially when the Funeral Home has large or multiple visitations. He stated that the proposed parking lot would simplify the parking situation.

William Doggett, architect for the applicant, answered questions regarding the trees surrounding the proposed parking lot.

The following citizens testified:

1. Daryl Newhouse, 10 Williams Street, testified in support of the Text Amendment.
2. Thomas Weko, 14 Williams Street, testified in support of the Text Amendment.
3. Jim Vitol, 11 Wall Street, testified that he is not in support of the Text Amendment.
4. Stan Abrams, Attorney representing his clients, Mr. & Mrs Bowen of 310 West Montgomery Avenue, testified that his clients reside next door to Pumphrey's Funeral Home. Mr. Abrams stated that his clients are not in support of this Text Amendment.
5. Bill Luckey, 11 Williams Street immediately adjacent to the property, testified that he is in support of the Text Amendment.
6. Phil Bowen, 310 West Montgomery Avenue, testified that he is not in support of the parking lot.

The Commission discussed its concerns regarding nonconforming uses relating to the subject Text Amendment.

Commissioner Ostell moved, seconded by Commissioner Tyner to recommend denial of Zoning Text Amendment TXT2010-00228 to the Mayor and Council with the finding that it constitutes an

expansion of a nonconforming use, which violates the spirit of the Zoning law. Commissioner Pakulniewicz offered a friendly amendment to remove the words "because of the spirit of the Zoning law". Commissioners Ostell and Tyner accepted the amendment.

Commissioner Ostell restated the motion, which was seconded by Commissioner Tyner, to recommend denial of Zoning Text Amendment TXT2010-00228 to the Mayor and Council for this Amendment of the Zoning Ordinance to allow for the expansion of a parking lot in connection with a nonconforming use. The motion passed on a vote of 3-2 with Commissioners Callistein and Pakulniewicz voting nay. Commissioner Trahan was absent.

## **REVIEW AND ACTION**

**Level 3 Site Plan STP2009-00009, Washington Property Company - for the construction of a 109,200 square foot, five-story office building and structured parking garage in the MXE Zone at 4 Research Place.**

**Planner: Jeremy Hurlbutt, 240-314-8228**

Mr. Hurlbutt presented the staff report.

Bob Dalrymple, attorney with Linowes and Blocher, presented the applicant's request.

Mike Plitt, Project Manager with Macris, Hendricks & Glascock, discussed the design of the project and answered questions from the Commission.

A representative of Washington Property Company explained the project.

There were no public comments.

After further discussion and concerns regarding mitigation measures, the Commission Directed staff and the applicant to provide more information on the traffic study and cul-de-sac improvements when the application is brought for Review and Action on October 13, 2010.

## **DISCUSSION**

**Master Plan process - for discussion of the City's Comprehensive Master Plan initiative**

Ms. Wallas presented an update of the Comprehensive Master Plan. The Commission discussed and generally agreed with the process. Ms. Wallas stated that the next update on the process is scheduled for December 8, 2010.

## **COMMISSION ITEMS**

**Update on Rockville Pike Plan**

Mr. Levy presented an update on the progress of the Rockville Pike Plan. He noted that a draft of

the Plan would be released to the public in December of this year. He noted that he would like to have the consultant come in and do a joint session with the Commission and the Mayor and Council in January 2011. Staff and the Commission further discussed the process.

### **Chief of Planning Report**

Mr. Wasilak updated the Commission on its next agenda.

Mr. Wasilak stated that the Mayor and Council adopted the Public Use Space text amendment and the accompanying Fee-in Lieu resolution as they were drafted at the Commission's joint session with the Mayor and Council.

Mr. Wasilak also discussed the pipeline as it relates to students generated over the years.

### **Old Business**

No Old Business

### **New Business**

The Commission discussed developing a mission statement for the Advisory Group to be appointed to review the Adequate Public Facilities Ordinance (APFO). Staff will develop the administrative process for outreach and appointment.

### **FYI Correspondence**

The Commission discussed an approval letter date and other business.

### **ADJOURN**

There being no further business to come before the Planning Commission, the Chair adjourned the meeting at 10:58 p.m.

Respectfully Submitted,

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Tyler Tansing, Commission Secretary